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UNCLAS SECTION 01 OF 07 GEORGETOWN 000267

SIPDIS

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WHA/PPC - MICHAEL PUCETTI

SENSITIVE

SIPDIS

E.O. 12958: N/A  
TAGS: [PHUM](#) [SMIG](#) [ASEC](#) [PREF](#) [ELAB](#) [KCRM](#) [KWMN](#) [KFRD](#) [GY](#)  
SUBJECT: SEVENTH ANNUAL TRAFFICKING IN PERSONS  
ASSESSMENT - GUYANA

REF: (A)STATE 202745

11. (SBU) The following is Embassy Georgetown's submission of information requested in reftel for the 2007 Annual Trafficking in Persons Report.

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Begin Report: Overview of country's activities  
to eliminate trafficking in persons:  
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1A. Most trafficking in persons (TIP) in Guyana occurs internally although post has received reports of limited trans-border trafficking of victims destined for Suriname, Barbados, Trinidad, Venezuela, Brazil and the United States. Within Guyana, trafficking reportedly occurs in the interior of the country, where government oversight is light and law enforcement is lacking. Statistical data is limited, but an International Organization for Migration (IOM) survey of 58 informants in June 2005 cited 12 examples of trafficking for forced labor, 24 examples of trafficking for prostitution, and 8 cases of trafficking for purposes of domestic servitude.

A typical trafficking profile involves young women from the rural interior, primarily of Amerindian (indigenous) descent, who receive promises to work in rum shops and restaurants on the coast and are then forced to work without compensation or to provide sexual services. The IOM's assessment also found instances of trafficking for purposes of forced labor that involved sawmill operators or land-grant owners taking Amerindian men and boys from their communities and forcing them to engage in debt bondage. For instance, according to a representative of the Amerindian People's Association, in the Demerara area, three or four Amerindian men employed in the logging business reported that they were not being paid at all for three months. According to a newspaper article, the Minister of Amerindian Affairs Carolyn Rodrigues conveyed her concern about the issue and was considering publishing the names of the timber companies or looking into the possibility of pulling concession licenses from the timber companies in question.

Sources of information used to compile this report include the Ministry of Labor, Human Services and Social Security (MOLHSSS), the Guyana Police Force, Help and Shelter, the Amerindian People's Association, the Guyana Human Rights Association (GHRA), Red Thread, the IOM, and members of Parliament representing both the government and the opposition. (Note: The Ministry of Labor, Human Services and Social Security appointed a new Minister of Human Services and Social Security in September 2006, who now has the lead for TIP activities.)

1B. Guyana has made progress in moving beyond acknowledging TIP as a problem and identifying cases to actively prosecuting traffickers and assisting victims. The government has charged several persons under the Combating Trafficking in Persons Act of 2005. As mentioned in previous years, there is political will to address trafficking in persons issues. Significant efforts in the reporting period included continued training for volunteers - teachers, nurses, police and other community development social workers who help identify trafficking crimes at the community level. Since last year's report, the Ministry of Human Services and Social Security carried out 2 training sessions at various sites across the country that reached an additional 55 participants. (From 2005 to June 2006, the ministry organized 12 workshops for a total of 416 volunteer participants.) The ministry also continued outreach and sensitization campaigns to Amerindian communities. (Since the awareness program began in July 2004, 4,400 people have participated in the program in 30 vulnerable communities. There were 27 TIP reports filed by these communities since the campaign began with five of those reports being filed in 2007.) However, despite overt political will, Guyana's capacity to secure convictions remains limited. The GOG's designated TIP coordinator reports that rural magistrates are unfamiliar with trafficking in persons law, and cases tried in Georgetown move at an

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excruciatingly slow pace amidst Guyana's heavily-backlogged judicial system. In addition, contacts in the interior report little active law enforcement activity. TIP enforcement in Guyana is still very much reactive.

Post has observed little change in the general modus operandi of traffickers. Destinations for trafficked persons tend to center around transportation and commercial centers, notably in the interior logging and mining communities and also in the Corentyne River region. Young, impoverished Amerindian women from rural areas remained the major target, and they are recruited into jobs as waitresses at restaurants or rum shops, as domestic workers, or as salesclerks that ultimately involved sexual exploitation and uncompensated labor. In some instances, victims are forcibly abducted. According to Amerindian representatives, they have received reports from communities in Region One, a mining area, that indicate that school children as young as 13 were being used for prostitution with parental consent. The traffickers tend to be small business owners.

Persons trafficked to the United States use false documents or travel as impostors, however, most trans-border trafficking involved movement without any documents. Guyanese men and women are also trafficked to the United States for prostitution and forced or coerced labor. Young Guyanese women who use the services of alien smugglers while trying to enter the United States are exposing themselves to rape or assault by the smugglers.

1C. An inability to access rural communities in which the majority of TIP activity occurs, and the costs required to do so in a timely manner, are major limitations. In addition, the government's capacity to prosecute cases is limited. At the close of 2006, Minister of Human Services and Social Security Priya Manickchand called for speedy trials in TIP cases and urged police to do more to create the right atmosphere to make people feel more confident in reporting TIP crimes. She also said that the ministry is preparing a report on how various agencies can improve their response to TIP cases. Post does not have substantiated information on corruption as it specifically relates to trafficking in persons. Last year, the GOG provided approximately US\$30,000 to fund Help and Shelter, a victim services provider. USAID and UNICEF have also contributed

resources for victim assistance.

1D. The MOLHSSS, the designated lead agency in the GOG's anti-TIP efforts, issued a "Review of Counter Trafficking in Persons Activities 2004-2005" in January 2006 that included information on legislation, law enforcement activities, public awareness and sensitization programs, and victim protection efforts. The report also included an assessment of challenges and emerging needs that mainly focused on policing the vast hinterland and reaching out to Amerindian communities. In addition, the ministry periodically released activity reports for its Counter Trafficking in Persons Unit, which included dates, locations, and number of participants for its public awareness and training efforts.

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PREVENTION:  
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1A. The GOG continued to recognize trafficking in persons as a problem and worked with the USG, the IOM, UNICEF and other stakeholders to combat it. TIP is regularly referenced in newspapers, and the 2007 budget committed additional funds for upgrading police programs including the force's ability to address TIP issues.

1B. The Ministry of Labor, Human Services, and Social Security (MOLHSSS) is the designated lead agency for the GOG's anti-trafficking efforts. A three-person Counter-TIP Unit within the MOLHSSS coordinates the GOG's efforts under the supervision of Minister Priya Devi Manickchand. In addition, the Guyana Police Force (GPF), the Ministry of Amerindian Affairs, Ministry of Home

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Affairs, the Forestry Commission, and the Guyana Geology and Mines Commission (GGMC) actively participate in GOG's anti-TIP efforts. Together with local non-government organizations, these government ministries formed a coalition in 2004 that meets to address trafficking in persons issues.

1C. The MOLHSSS has held a series of seminars since July 2004 to sensitize the public about trafficking in persons. In 2005 the ministry launched a public awareness campaign that included an estimated 56 articles in various publications, radio programs, and meetings with prominent stakeholders in the religious, mining, business, and local government communities. Most of these activities have focused on potential victims and victim identification. In the past year, there have been TIP education television and radio programs as well. A call-in radio program addressing TIP issues directed to residents in the Essequibo region in January resulted in three TIP reports from the region within two days. Moreover, in anticipation of growing trafficking vulnerabilities during the Cricket World Cup games scheduled to take place in Guyana from March 27, 2007, to April 9, 2007, the ministry's Counter-TIP Unit coordinated a campaign aimed at businesses located along the main corridor road stretching from the international airport to Georgetown. (The New Providence Stadium where the CWC games will be played is located on the same road.) The Counter-TIP Unit staff handed out brochures and flyers, provided information on Guyana labor laws and warned business owners that the ministry would be back to follow-up.

1D. In January 2006, the non-governmental organization (NGO) Partners of the Americas launched a U.S. Department of Labor-funded US\$2 million program to combat child labor through education. The program focuses on re-entry of truant children into the school system, an awareness campaign to sensitize parents, educators, and other stakeholders of the worst forms of child labor and the importance of education. The Government of Guyana has also provided seed money to families to assist with school expenses, trained social workers in trafficking awareness, and promoted vocational education programs to potential trafficking targets. It also sponsors a domestic violence sensitization and victim assistance program through Help and Shelter. The domestic violence public awareness program includes a TIP component. The NGO Red Thread works with women to improve economic decision-making: efforts that are generally lauded by the GOG. The GPF works with the Guyana

Human Rights Association (GHRA) to provide human rights training to officers outside of Georgetown and to new police officers during their orientation training. GHRA provides the training free of charge. The government also sponsors microenterprise and sewing and craft programs to provide income for vulnerable groups.

¶E. As reported in previous submissions, some NGO relationships with the GOG are strained, while others are getting stronger. Help and Shelter enjoys a positive relationship with the MOLHSSS. The ministry's Counter-TIP Unit referred four victims of trafficking to Help and Shelter for counseling in 2006. The GHRA collaborates with the GOG on training and identification, and in April 2006, the GHRA gave the GPF a new Human Rights Training manual. The GHRA argues that the GOG should be more proactive in TIP enforcement. Contacts who represent Amerindian communities have echoed this claim and report less satisfaction with government responses to the issue, stating that there are no new visible efforts in the last year regarding the issue.

¶F. The GOG's immigration record-keeping system is antiquated, and the GOG does not make a concerted effort to cull travel patterns for evidence of trafficking. To Post's knowledge, most of the trans-border human trafficking activity occurs across the country's porous borders with Suriname and Brazil, making efforts to screen for potential trafficking victims along borders extremely difficult. The Counter-Tip Unit provided training for the Ministry of Home Affairs to familiarize immigration officers with ways to identify trafficking victims.

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¶G. The Counter-Trafficking in Persons Unit within the MOLHSSS is the designated government office for TIP concerns, with Technical Officer, Javed Shadick as the point of contact and Minister Priya Manickchand as the lead government official in charge. The Counter-Trafficking in Persons Unit works together with a coalition that coordinated an education and awareness campaign throughout 2006. In addition, according to the Counter-TIP Unit Technical Officer, the office is setting up a network that will put troubled communities in communication via telephone to stay informed on trafficking issues. All trafficking cases are referred to the GPF's Criminal Investigative Division. The GPF works closely with the Ministry of Labor, Human Services and Social Security to provide care to victims of trafficking. Guyana does not have a public corruption task force.

¶H. As reported in previous years, the GOG has a national plan of action to address TIP. The GOG, under the auspices of the Ministry of Human Services and Social Security, consulted the GPF, the GPMC, the Ministry of Amerindian Affairs, the Women's Affairs Bureau, Red Thread, the GHRA, Help and Shelter, Ribbons of Life, a variety of local women's rights groups, and the International Organization for Migration to develop the plan. The National Plan of Action included a nationwide public awareness campaign. MOLHSSS estimates that roughly 4,400 participants have attended the town-hall type meetings in each of Guyana's 10 regions. The MOLHSSS worked with the IOM to train 416 trainers from all of the regions to return to their communities and raise awareness. The National Assembly passed the Combating of Trafficking in Persons Bill on December 13, 2004, as part of the plan. According to the Counter-Trafficking in Persons Unit, the office is looking to create an updated plan that will incorporate the latest community telephone networking proposal.

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INVESTIGATION AND PROSECUTION OF TRAFFICKERS:  
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¶A. The Combating of Trafficking in Persons Act became law in 2005. In addition, perpetrators who kidnap or lure victims for purposes of sexual exploitation may be charged under Guyanese Criminal Law Chapter 8:01, Section 87 (forced detention-sex) and sections 72 and 73 (procurement). There is no new legislation to report this year.

¶B. Those traffickers convicted on summary judgment (lesser offenses) are subject to prison terms of 3-5 years. Traffickers convicted on indictment (more serious offenses) are subject to prison terms of 5

years to life imprisonment. All convicted traffickers are subject to confiscation of property used or gained during the course of the crime and would be ordered to pay restitution to victims.

In addition, convicted traffickers face:

- two additional years imprisonment if the person used, threatened to use, or caused another to use or threaten to use a dangerous weapon;
- five additional years imprisonment if the victims suffers a serious bodily injury or if the crime involves sexual assault;
- five additional years imprisonment if the trafficking victim was exposed to life threatening illness or was forced into any addiction to drugs and/or medication;
- ten additional years imprisonment if the victim suffers a permanent or life-threatening injury;
- three additional years imprisonment if the crime was organized by an organized criminal contingent;
- four additional years imprisonment if the crime resulted from abuse of power or a position of authority.

1C. Punishment of Labor Trafficking Offenses carries the same penalties as trafficking for sexual exploitation.

1D. Guyanese criminal law calls for life imprisonment for rape, five years for sexual assault, and ten years for forced detention for purposes of sexual exploitation. However, judges have discretion in

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sentencing with 5 to 10 years imprisonment being the trend. This compares to a possible sentence of 5 years to life under the TIP Act.

1E. Prostitution, including the activities of the prostitute and the brothel owner/operator, clients, and pimps, are illegal in Guyana, but these laws are rarely enforced. In a case of sporadic enforcement, in September 2006, five Brazilian dancers were charged with performing indecent acts at a local nightclub. Some of the dancers were not able to present passports showing they were in Guyana legally. Later in the month, the owner of the club was charged with not having the requisite music and dancing licenses. According to the Office of Public Prosecution, the charges were dismissed against the women for want of prosecution. The National Assembly passed the Age of Consent Bill in October 2005, raising the age of consent from thirteen to sixteen years of age.

1F. To date, the government has secured no convictions under the Trafficking in Persons Act. Based on information provided by the MOLHSSS and the GPF, Post is aware of 12 people who have been charged under the act. Two cases were dismissed for want of prosecution, and the other cases are still pending before the excruciatingly slow Guyanese judicial system. Note: Often a dismissal for "want of prosecution" indicates that the victim did not attend the court hearing or the police failed to show. There were 27 TIP investigation reports filed since the government began tracking the issue in 2005.

1G. Reports suggest traffickers are independent business people who typically lure victims into employment at their enterprises. Several recent arrests have involved cases where a business person collaborated with residents of rural areas who trafficked women from their community. Post has no reliable information on the direct involvement of government officials.

1H. According to the GPF, the police are not using electronic surveillance techniques. The main problem affecting investigations is the difficulty of gathering evidence in interior regions and the expense of those investigations. Also the ability of victims to keep court appointments also hinders prosecution.

1I. Police officers have attended the MOLHSSS's training sessions on TIP identification. In June 2006, six police officers and two employees from the Counter-TIP Unit within the Ministry of Human Services and Social Security participated in a two-week trafficking in persons training program in the Bahamas organized by the International Organization for Migration. However, contacts in the



rural Rupununi region report that the police have little familiarity with recognizing or prosecuting TIP cases. In addition, rural magistrates are unfamiliar with the intricacies of TIP investigations. The Minister Manickchand is pursuing a proposal with the Chief Justice that would allow a magistrate in Georgetown to be the designated judicial official for TIP prosecutions.

¶J. In previous years, the ministry has worked cooperatively with Barbados authorities to foil trafficking. The ministry also works closely with the Brazilian Embassy in Georgetown to obtain information on potential Brazilian TIP victims. The previous year's submission referenced links with Suriname officials established in the wake of the discovery of women being trafficked into that country from Guyana. According to the point of contact with the MOLHSSS Counter-TIP Unit, in 2006, a young Guyanese woman answered an ad for domestic help in Trinidad. In Trinidad, the employer took her documents, did not compensate her and the job differed from what was advertised. When she complained, the employer sent her to Barbados (instead of Guyana) where she was deported back to Guyana at the point of entry. The Counter-Tip Unit of MOLHSSS is working with the Guyana Police Force and the case is ongoing.

¶K. Guyana does not have a legal restriction on the extradition of its nationals. To date, Post is unaware of any requests to Guyana from other countries for extradition of suspects to face trafficking

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in persons charges.

¶L. There is no reliable evidence of government involvement in or tolerance of trafficking, on a local or institutional level. The IOM's study does include one interview where an informant alleged that people are afraid to report trafficking to the police because the police in turn inform the proprietors where they received the information (See below). On a broader level, weak institutions and corruption have traditionally aided and abetted migrant smuggling in Guyana.

¶M. The quality of the police force is at question: The director of public prosecution noted that in 2006 an Amerindian woman notified the police that her daughter was missing and that she had heard the daughter was working at a restaurant. The police officer went to the shop, found the girl, but instead of taking action, accepted a bribe from the owner of the restaurant and did nothing. The police officer was charged with corruption and the shopowner was also charged as the girl was not receiving money for her work.

¶N. Guyana is not known to be a destination for child sex tourism.

¶O. Guyana ratified ILO Convention 182 on January 15, 2001. Guyana ratified ILO Convention 29 and 105 on June 8, 1966. Guyana has not signed the Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Child Pornography or the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

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PROTECTION AND ASSISTANCE TO VICTIMS:  
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¶A. The MOLHSSS provided funding to renovate Help & Shelter's victim shelter, which reopened in late 2005. In addition, the MOLHSSS's Counter-TIP unit refers cases to probation officers who can make referrals for additional services. Help and Shelter also has a directory of relief services. According to the IOM, there is no legislation offering alternative treatment for illegal migrants where abuse is suspected.

¶B. The MOLHSSS provided GY\$6 million (US\$30,000) to Help and Shelter to renovate its shelter in 2005. The 2007 budget included GY\$1 million(US\$5,000) for Help and Shelter.

¶C. The MOLHSSS refers cases to Help and Shelter or Amerindian hostels. In 2006, the ministry referred four victims to Help and Shelter for counseling. Post notes that the intake forms at the shelter do not specifically inquire whether the client is a TIP

victim, but the shelter's coordinator says that such information is usually indicated in the case notes. Children are typically returned to their parents.

¶D. Much of the training for police officers has addressed treating victims with respect. Post reported in its 2005 submission that some trafficking victims from Suriname were detained for immigration violations. Post has not received additional reports of such incidents.

¶E. There are no known restrictions on material witnesses' freedom of movement. The GOG does not have a victim restitution program, and, while victims have the legal right to file a civil suit against a perpetrator, this has not been tested. Most cases take so long to prosecute that they die out before a judgment is rendered.

¶F. Help and Shelter has a secret location where victims can be sheltered while their case is prosecuted. In addition to housing, the shelter provides counseling and medical services.

¶G. Government officials have attended the MOLHSSSS's workshops on TIP prevention as well as those held by IOM. In addition, two ministry representatives and representatives from two NGOs have attended

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overseas seminars hosted by IOM. The GOG has not engaged its handful of overseas missions and consulates in TIP matters.

¶H. When the MOLHSSSS encounters such cases, it refers the victims to Help and Shelter as well as to the social workers in the ministry's Counter-TIP Unit. The GOG also provides medical attention, housing, and repatriation allowances to victims. In the past, repatriated victims have been provided with housing at the Amerindian Hostel in Georgetown before receiving funds to return to their communities.

¶I. Help and Shelter opened its shelter in late 2005. In addition, Red Thread and GHRA work with victims of domestic abuse, HIV/AIDS, the sex trade, and trafficking victims. They provide HIV/AIDS testing, counseling, and shelter. While most NGOs have not as yet worked directly with trafficking victims, all have expressed their willingness to do so. USAID, UNICEF and the IOM have assisted these efforts.

¶J. Embassy Georgetown's point of contact is Nancy E. Long, Economic/Commercial Officer, telephone (592)226-4309, IVG 747-0220, fax (592) 227-0240. This report was drafted in 8 hours and related investigation and meetings involved 24 hours.

ROBINSON